

03-02-00

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03/01/00  
jc685 U.S. PTO

Attorney's Docket No. LRI-004PAT

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Box Patent Application**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

-jc530 U.S. PTO  
09/516327  
03/01/00

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventor(s): **Paul S. Prevey III**

For (title): **METHOD FOR REDUCING TENSILE STRESS ZONES IN THE  
SURFACE OF A PART**

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date March 1, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EK303473334US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark F. Smith  
(Type or print name of person mailing paper)

Mark F. Smith  
Signature of person mailing paper

**1. Type of Application**

This new application is for a(n)

*(check one applicable item below)*

☒ Original (nonprovisional)

☐ Design

☐ Plant

**WARNING:** Do not use this transmittal for the filing of a provisional application.

**NOTE:** If one of the following 3 items apply, then complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED** and a **NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION**.

☐ Divisional

☐ Continuation

☐ Continuation-in-part (C-I-P)

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

**NOTE:** If the new application being transmitted is a divisional, continuation, or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

**WARNING** When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia.

☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

**3. Papers Enclosed That Are Required for Filing Date under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

22 Pages of specification

2 Pages of claims

1 Pages of abstract

7 Sheets of drawing

☐ formal

☒ informal

**WARNING: DO NOT** submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are Submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to Section 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired.

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call! If the office is unable to match the drawings to the proper application.. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page.

(Complete the following, if applicable)

\_\_\_\_\_ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)".

#### 4. Additional papers enclosed:

- \_\_\_\_\_ Preliminary Amendment
- \_\_\_\_\_ Information Disclosure Statement (37 CFR 1.98)
- \_\_\_\_\_ Form Information Disclosure Citation (PTO-1449)
- \_\_\_\_\_ Citations
- \_\_\_\_\_ Declaration of Biological Deposit
- \_\_\_\_\_ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- \_\_\_\_\_ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- \_\_\_\_\_ Special Comments
- ☒ Other

#### 5. Declaration or oath

☒ Enclosed

Executed by:

- ☒ The inventor(s)
- \_\_\_\_\_ legal representative of inventor(s). 37 CFR 1.42 or 1.43.
- \_\_\_\_\_ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- \_\_\_\_\_ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- \_\_\_\_\_ Not Enclosed.

\_\_\_\_ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of a(l the above named inventor(s).  
(The declaration or oath, along with the surcharge required by 37 CFR 7.76(e) can be filed subsequently).

\_\_\_\_ Showing that the filing is authorized.  
(not required unless called into question. 37 CFR 7.47(d))

## 6. Inventorship Statement

**WARNING:** if the n-fled inventors are each not the inventors of all the claims an explanation, including the ownership of the various clams at the time the last claimed invention was made, should be submitted.

The Inventorship for all the claims in this application are:

☒ The same.

\_\_\_\_ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made\_\_\_\_ is submitted.

\_\_\_\_ Will be submitted.

## 7. Language

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.117(k) is required to be filed with the application, or within such time as may be set by the Office 37 CER 1.62(d).

**NOTE:** A non-English oath or declaration in the Form provided or approved by the PTO need not be translated.  
37 CFR 1.69(b).

☒ English

\_\_\_\_ Non-English

\_\_\_\_ The attached translation is a verified translation. 37 CFR 1.52(d).

## 8. Assignment

\_\_\_\_ An assignment of the invention to\_\_\_\_

\_\_\_\_ is attached. A separate\_\_\_\_ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or \_\_\_\_ FORM PTO 1595 is also attached.

\_\_\_\_ will follow.

**NOTE:** "if an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment."  
Notice of May 4, 1990 (1114 O.O. 77-78).

**WARNING:** A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.O. 62-64.

9. **Certified Copy**

Certified copy(ies) of application(s)

country	appln. no.	filed
country	appln. no.	filed
country	appln. no.	filed

from which priority is claimed

\_\_\_\_\_ is (are) attached.

\_\_\_\_\_ will follow.

NOTE: The *foreign application* forming the basis for the claim *for priority must* be interred to in the oath or declaration. 37 CFR 1.55(a) and 163

10. **Fee Calculation (37 CFR 1.16)**

A.   X   Regular application

**CLAIMS AS FILED**

Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$690.00
<hr/>			
Total			
Claims (37 CFR 1.16(c)) 11 - 20 = 0	x	\$18.00	\$ 0.00
<hr/>			
Independent			
Claims (37 CFR 1.16(b)) 2 - 3 = 0	x	\$ 78.00	0.00
<hr/>			
Multiple dependent claim(s), if any (37 CFR 1.16(d))	+	\$260.00	0.00

\_\_\_\_\_ Amendment canceling extra claims enclosed.

\_\_\_\_\_ Amendment deleting multiple-dependencies enclosed.

\_\_\_\_\_ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time set for response by the Patent and Trademark office in any notice of deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 690.00

B. \_\_\_\_\_ Design application

(\\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation

\$ \_\_\_\_\_

C. \_\_\_\_\_ Plant application

(\\$540.00 - 37 CFR 1.16(g))

Filing fee calculation

\$ \_\_\_\_\_

## 11. Entity Statement(s)

X  Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

*WARNING: "Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. A non provisional application claiming benefit under 35 U.S.C. 719(e), 120, 121 or 365(c) of a prior application may rely on a verified statement filed in the prior application if the nonprovisional application includes a reference to a verified statement in the prior application or includes a copy of the verified statement filed in the prior application if status as a small entity is still proper and desired." 37 CFR 1.28(a).*

(complete the following, if applicable)

\_\_\_\_\_ Status as a small entity was claimed in prior application  
\_\_\_\_\_ / \_\_\_\_\_ from which benefit is being claimed for this application  
under:

35 U.S.C. \_\_\_\_\_ 119(e),

\_\_\_\_\_ 120,

\_\_\_\_\_ 121,

\_\_\_\_\_ 365(c),

and which status as a small entity is still proper and desired.

\_\_\_\_\_ A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$ 345.00

*NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under 1.136, 37 CFR 1.28(a).*

## 12. Request for International-Type Search (37 CFR 1.104(d))

(complete, if applicable)

\_\_\_\_\_ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13.

**Fee Payment Being Made at This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.  
(This and the surcharge required by 97 CFR 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Basic filing fee \$ 345.00

☐ Recording assignment  
(\$40.00; 37 CFR 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".) \$ 0.00

☐ Petition fee for filing by other than all the  
inventors or person on behalf of the inventor  
where inventor refused to sign or cannot be  
reached.  
(37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_

Total fees enclosed: \$ 345.00

**14. Method of Payment of Fees**

☒ Check in the amount of \$345.00

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate of this transmittal is attached.

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

*If no fees are to be paid on filing. The following items should not be completed.*

\_\_\_\_\_ 37 CFR 1.16(a), (f) or (g) (filing fees)

\_\_\_\_\_ 37 CFR 1.16(0), (c) and (d) (presentation of extra claims)

\_\_\_\_ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

\_\_\_\_\_ 37 CFR 1.17 (application processing fees)

\_\_\_\_\_ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

Credit Account No. \_\_\_\_\_ Refund

Mark F. Smith

Mark F. Smith

**Smith, Gutttag & Bolin Ltd.**

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**(513)936-8537 Phone**

**(513)936-8537 Facsimile**



*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

Number of pages added\_\_\_\_\_

Number of pages added 4

Number of pages added 0

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item.)

(Application Transmittal Page 9 of 9)